

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MINUTES OF PROCEEDINGS AND ORDER– CIVIL

MRI SOFTWARE, LLC,

CASE NO: 1:12-CV-1082

Plaintiff,

DATE: February 17, 2015

v.

JUDGE BOYKO

LYNX SYSTEMS, INC., *et al.*,

MAGISTRATE JUDGE VECCHIARELLI

Defendants.

REPORTER: H. Geizer

Attys for Plaintiff: Georgia K.E. Yanchar,
Daniel J. McMullen

Attys for Defendants: David T. Movius, John
T. McLandrich

PROCEEDINGS: The Court conducted a telephone conference regarding the parties' discovery dispute at 11:30 a.m. on Tuesday, February 17, 2015.

The parties reported that they had resolved many of the issues related to their dispute regarding the protection of Plaintiff's source code in this case. The parties were unable to resolve their disagreement regarding whether Defendants' outside counsel or expert may: (1) use a computer to take notes in the room in which the source code is made available for inspection, or is limited to taking handwritten notes; or (2) take a cellular telephone into the room where the source code is made available for inspection.

After conferring with the parties, the Court ruled as follows:

Plaintiff has a legitimate interest in protecting the security of its source code and in preventing the creation of any digital copies of the source code. Plaintiff has a reasonable interest in preventing any other computers or devices capable of copying code digitally from being in the room. Plaintiff's interest outweighs the burden imposed on Defendants by the proposed restrictions, which are minimal. Defendants' stated objections to the restrictions proposed by Plaintiff amount to personal preferences. Accordingly, Defendants' outside counsel or expert may take only handwritten notes in the room in which the source code is made available for inspection, and/or may use a dictation-only device. Further, no cellular telephones shall be permitted in that room. Plaintiff shall provide a land line for use in the room where the source code is made available for inspection, and shall provide Defendants with the telephone number for that land line. Additionally, Defendants' outside counsel or expert shall be permitted to leave the room as needed to use a cellular telephone, and may forward phone calls to the land line.

The Court instructed the parties that, if they require further assistance in resolving their discovery dispute, they should jointly contact the Court's deputy ([wanda f golden@ohnd.uscourts.gov](mailto:wanda_f_golden@ohnd.uscourts.gov)) and request another telephone conference.

The parties shall, **by or on Tuesday, February 23, 2015**, either: (1) file an amended protective order governing the production of the source code in this case; or (2) request a telephone conference to resolve the remaining issues regarding the production of the source code.

Total Time: 25 minutes

s/ Nancy A. Vecchiarelli 02/17/15

U.S. MAGISTRATE JUDGE